



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 11 जून, 2007/21 ज्येष्ठ, 1929

हिमाचल प्रदेश सरकार

श्रम एवं रोजगार विभाग

अधिसूचना

शिमला-171 002, 5 जून, 2007

संख्या श्रम (ए) 4-2/96-II.—हिमाचल प्रदेश के राज्यपाल, ठेका श्रम (विनियम और उत्सादन) अधिनियम, 1970 की धारा 35 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये हिमाचल प्रदेश सरकार श्रम एवं रोजगार विभाग की अधिसूचना समसंख्यक दिनांक 12-4-2007 द्वारा अधिसूचित तथा दिनांक 18-4-2007 के राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशित हिमाचल प्रदेश ठेका श्रम (विनियम और उत्सादन) अधिनियम, 1970 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं और जिनका एतद्वारा जनसाधारण से प्राप्त आक्षेप या सुझाव आमन्त्रित करने के लिए राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशन किया गया था;

इन नियमों से सम्भाव्य प्रभावित होने वाला कोई भी व्यक्ति यदि इन नियमों के सम्बन्ध में कोई आक्षेप करना या सुझाव देना चाहे, तो वह उन्हें उक्त प्रारूप नियमों के राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से 30 दिन के भीतर सचिव (श्रम एवं रोजगार) को भेजा जाना था ;

अतः जनसाधारण से कोई भी सुझाव प्राप्त नहीं हुए हैं ।

अतः राज्यपाल, हिमाचल प्रदेश, ठेका श्रम (विनियम और उत्सादन) अधिनियम, 1970 की धारा 35 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये निम्न नियमों को बनाने के सहर्ष आदेश देते हैं।

यह संशोधित नियम तुरन्त प्रभाव से लागू होंगे ।

नियम

1. संक्षिप्त नाम.—इन नियमों का संक्षिप्त नाम कौन्ट्रेक्ट लेबर (रैगुलेशन एण्ड एबोलीशन) हिमाचल प्रदेश (संशोधन) नियम, 2006 है ।

2. नियम 24 का संशोधन.—कौन्ट्रेक्ट लेबर (रैगुलेशन एण्ड एबोलीशन) हिमाचल प्रदेश (संशोधन) नियम, 2007 (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 24 में, उप-नियम (1) के स्थान पर निम्नलिखित रखा जाएगा अर्थात् :—

“(1) Before a license is issued, a security of Rupees 100/- for each of the workman to be employed as contract labour, in respect of whom the application for license has been made, shall be deposited by the contractor for the performance of the conditions of the license and compliance with the provisions of the Act or these rules :

Provided that where the Contractor is a Co-operative Society, the amount to be deposited as security shall be at the rate of Rupees 50/- for each of the workman to be employed as a Contract Labour.

3. नियम 26 का प्रतिस्थापन.—उक्त नियमों के नियम 26 के स्थान पर निम्नलिखित रखा जायेगा, अर्थात् :—

“26. Fees.—(1) The fees for the grant of a certificate of registration under section 7 shall be as under :—

If the number of workmen proposed to be employed on contract on any day :

(a) is 20 or below	Rs. 200.00
(b) exceeds 20 but does not exceed 50	Rs. 500.00
(c) exceeds 50 but does not exceed 100	Rs. 1000.00

(d)	exceeds 100 but does not exceed 200	Rs. 2000.00
(e)	exceeds 200 but does not exceed 400	Rs. 4000.00
(f)	exceeds 400	Rs. 5000.00

(2) The fees for the grant of license to a contract under section 12 shall be as under :

If the number of workmen employed by the contractor on any day :

(a)	is 20 or below	Rs. 50.00
(b)	exceeds 20 but does not exceed 50	Rs. 125.00
(c)	exceeds 50 but does not exceed 100	Rs. 250.00
(d)	exceeds 100 but does not exceed 200	Rs. 500.00
(e)	exceeds 200 but does not exceed 400	Rs. 1000.00
(f)	exceeds 400	Rs. 1250.00

4. नियम 30 का संशोधन.—उक्त नियमों के नियम 30 में 'पांच' के स्थान पर 'पचास' शब्द रखा जाएगा ।

5. नियम 32 का संशोधन.—उक्त नियमों के नियम 32 में उप-नियमों (6) और (7) के स्थान पर निम्नलिखित रखा जाएगा अर्थात् :—

“(6) The fees for the grant of certificates of registration to the Principal Employer under sub-rule (3) shall be as under :—

If the number of workmen proposed to be employed on contract on any day :—

(a)	exceeds 20 but does not exceed 50	Rs. 100.00
(b)	exceeds 50 but does not exceed 200	Rs. 200.00
(c)	exceeds 200	Rs. 300.00

(7) The fees to be paid for the grant of license to a contractor under sub-rule (3) shall be as under :—

If the number of workmen to be employed by the Contractor on any day :

(a)	exceeds 20 but does not exceed 50	Rs. 50.00
(b)	exceeds 50 but does not exceed 200	Rs. 200.00
(c)	exceeds 200	Rs. 300.00

6. नियम 39 का संशोधन.—उक्त नियमों के नियम 39 में 'दो' के स्थान पर 'बीस' शब्द रखा जाएगा ।

7. नियम 75 का प्रतिस्थापन.—उक्त नियमों के नियम 75 के स्थान पर निम्नलिखित रखा जायेगा, अर्थात् :—

75. *Register of Persons employed.*—Every Contractor shall maintain in respect of each registered establishment where he employs contract labour, a register in form XIII and he shall submit a copy of the same and its index thereof in form -XIII-A to the concerned Licensing/Registering Officer (Labour Officer) within fifteen days from the issue of the license to the Contractor.

8. नियम 76 का प्रतिस्थापन.—उक्त नियमों के नियम 76 के स्थान पर निम्नलिखित रखा जायेगा, अर्थात् :—

“(1) Every Contractor shall submit Employment/Identity Card in Form XIV within three days from the date of employment of Contract Labour to the office of the area Labour Officer and the Labour Officer shall return the same to the Contractor within a period of seven days duly attested for further distribution to the concerned contract labourers :

Provided that when Employment/Identity Card issued under these Rules, then Contractor shall not be required to issue Identity Cards under the Himachal Pradesh Minimum Wages Rules, 1978 and Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 or any other similar provisions of other rules under the Labour Laws, as the case may be.

(2) The Employment/Identity Cards shall be maintained upto date and any changes in Identity Card and corresponding Form-XIII and XII-A including addition, deletion and alteration, shall be intimated to the concerned Licensing/ Registering Officer (Labour Officer) within seven days from such changes by the Contractor and shall be attested by the concerned Labour Officer.

(3) The Contractor shall bear the cost of issue of Employment/Identity Cards to the contract labourers employed by the Contractor.

(4) The Employment/Identity Cards shall be valid for a period of one year from the date of issue or expiry of the License of the Contractor or date of termination of employment of the contract labour by the contractor, whichever is earlier.

(5) The Contractor shall submit new Employment/Identity Card in Form XIV, not less than 30 days before the date on which the Employment/Identity

Card expires to area Labour Officer for attestation for further period of one year. The Labour Officer shall return the same duly attested within a period of seven days from the date of receipt of the same, to the Contractor for further distribution to the contract labourers”.

9. फार्म xiii का प्रतिस्थापन.—इन नियमों से संलग्न फार्म Xiii के स्थान पर निम्नलिखित रखा जायेगा, अर्थात् :—

FORM XIII

[See rule 75]

Register of Workmen

Sl. No.

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 (last 4 digits of Identity Card No.)

1. Name & Address of the Establishment.....

.....Tele. No.....

2. Registration /License No.*.....

3. Contractor Name

4. Contractor License No.

5. Contractor address

Affix latest
photograph of
employee to be
attested by the
employer

6. Serial Number of the Worker in the Register of Workers** :

7. Worker/Employee Name

8. Father/Husband's Name

9. Date of Birth [DD/MM/YYYY] :

10. Sex (M/F)

11. Local residential address of the Worker

State

12. Permanent address of the worker

State.....

13. Name of next kin of the workerRelationship.....

14. Date of employment.....In the Current Job).....
 15. Wage rate per month
 16. Nature of Job/DesignationCode (#)
 17. Intended Time Limit in Present Employment

Signature /Thumb Impression of the Employee.

Declaration.— It is declared that the information given in the Register of workmen is correct as per record and factual position.

Place.....

Date.....

Signature of Employer/ Contractor.

10. फार्म xiii-ए का प्रतिस्थापन.—इन नियमों से संलग्न फार्म xiii के पश्चात् निम्नलिखित अन्तः स्थापित किया जायेगा, अर्थात् :—

FORM XIII-A

[See rule 75]

Index of Identity Cards of Workman

1. Serial No. of Form XIII (same as last 4 digits of Identity Card No.).....
2. Name of the workman.....
3. Father's name of the workman.....
4. Date of issue of Identity Card.....
5. Date of termination of employment alongwith reasons.....
6. Remarks.....

Declaration.— It is declared that the information given in above Index are correct as per record and factual position.

Signature of the Employer/Contractor.

11. फार्म xiv का प्रतिस्थापन.—इन नियमों से संलग्न फार्म xiv के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :—

FORM-XIV

[See rule 76]

Employment/Identity Card

Name of Establishment.....

ID Card No.....

Name.....

Date of Birth.....

Father's/Husband's Name.....

Local Address.....

Name of Next Kin.....

Permanent Address.....

Contractor Name.....

Licence No. if any.....

Address.....

Nature of employment.....

Date of employment.....

Wage rate.....

Valid upto.....

Photograph of
worker

Issued by	Attested by
Employer/ContractorSignature	Labour Officer/Inspector
Date of Issue.....	Place.....

आदेश द्वारा,
हस्ताक्षरित /—
सचिव ।

[Authoritative English Text of this Department Notification No. Shram-(A)-4-2/96-II, dated the 5th June, 2007 as required under clause (3) of Article 348 of the Constitution of India.]

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 5th June, 2007

No. Shram (A) 4-2/96-II.—Whereas the draft notification of the Himachal Pradesh Contract Labour (Regulation and Abolition) Act, 1970 was published as required under section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 in the Rajpatra Himachal Pradesh (Extra-ordinary) on 18-4-2007 *vide* notification of even number dated 12-4-2007 for inviting the objections & suggestions from the persons likely to be affected thereby before the expiry of 30 days from the date of the publication of the notification in the Rajpatra, Himachal Pradesh (Extra-ordinary);

And whereas no objections/suggestions were received from the general public. Now, therefore, in exercise of the powers conferred by section 35 of aforesaid Act, the Governor of Himachal Pradesh is pleased to make the following rules namely:—

This amendment in rules shall be applicable with immediate effect.

1. Short title.—These rules may be called the Contract Labour (Regulation and Abolition) Himachal Pradesh (Amendment) Rules, 2006.

2. Substitution of rule 24.—In rule 24 of the Contract Labour (Regulation and Abolition) Himachal Pradesh Rules, 1974 (hereinafter referred to as the said rules), for sub-rule (1), the following shall be substituted, namely :—

“(1) Before a license is issued, a security of Rupees 100/- for each of the workman to be employed as contract labour, in respect of whom the application for license has been made, shall be deposited by the contractor for the performance of the conditions of the license and compliance with the provisions of the Act or these rules :

Provided that where the Contractor is a Co-operative Society, the amount to be deposited as security shall be at the rate of Rupees 50/- for each of the workmen to be employed as a Contract Labour.

3. Substitution of rule 26.—For rule 26 of the said rules, the following shall be substituted namely :—

“26. Fees.—(1) The fees for the grant of a certificate of registration under section 7 shall be as under:—

If the number of workmen proposed to be employed on contract on any day:—

(a)	is 20 or below	Rs. 200.00
(b)	exceeds 20 but does not exceed 50	Rs. 500.00
(c)	exceeds 50 but does not exceed 100	Rs. 1000.00
(d)	exceeds 100 but does not exceed 200	Rs. 2000.00
(e)	Exceeds 200 but does not exceed 400	Rs. 4000.00
(f)	exceeds 400	Rs. 5000.00

(2) The fees for the grant of license to a contract under section 12 shall be as under :—

If the number of workmen employed by the contractor on any day :

(a)	is 20 or below	Rs. 50.00
(b)	exceeds 20 but does not exceed 50	Rs. 125.00
(c)	exceeds 50 but does not exceed 100	Rs. 250.00
(d)	exceeds 100 but does not exceed 200	Rs. 500.00
(e)	exceeds 200 but does not exceed 400	Rs. 1000.00
(f)	exceeds 400	Rs. 1250.00

4. Amendment of rule 30.—In rule 30 of the said rules, for the word ‘five, the word ‘fifty’ shall be substituted.

5. Amendment of rule 32.—In rule 32 of the said rules, for sub-rules (6) and (7), the following shall be substituted, namely :—

“(6) The fees for the grant of certificates of registration to the Principal Employer under sub-rule (3) shall be as under :—

If the number of workmen proposed to be employed on contract on any day :

(a)	exceeds 20 but does not exceed 50	Rs. 100.00
(b)	exceeds 50 but does not exceed 200	Rs. 200.00
(c)	exceeds 200	Rs. 300.00

- (7) The fees to be paid for the grant of license to a contractor under sub-rule (3) shall be as under:—

If the number of workmen to be employed by the Contractor on any day :

(a)	exceeds 20 but does not exceed 50	Rs. 50.00
(b)	exceeds 50 but does not exceed 200	Rs. 200.00
(c)	exceeds 200	Rs. 300.00

6. *Amendment of rule 39.*—In rule 39 of the said rules, for the word 'two' the word 'twenty' shall be substituted.

7. *Substitution of Rule 75.*—For Rule 75 of the said rules the following shall be substituted, namely:—

75. *Register of Persons employed.*—Every Contractor shall maintain in respect of each register establishment where he employs contract labour, a register in form XIII and he shall submit a copy of the same and its index thereof in form XIII-A to the concerned Licensing/Registering Officer (Labour Officer) within fifteen days from the issue of the license to the Contractor.

8. *Substitution of rule 76.*—For rule 76 of the said rules, the following shall be substituted, namely:—

- "(1) Every Contractor shall submit Employment/Identity Card in Form XIV within three days from the date of employment of Contract Labour to the office of the area Labour Officer and the Labour Officer shall return the same to the Contractor within a period of seven days duly attested for further distribution to the concerned contract labourers :

Provided that when an Employment/Identity Card is issued with respect to contract labour under these Rules, the Contractor shall not be required to issue Identity Cards under the Himachal Pradesh Minimum Wages Rules, 1978 and Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 or any other similar provisions of other rules under the Labour Laws, as the case may be.

- (2). The Employment/Identity Cards shall be maintained upto date and any changes in Identity Card and corresponding Form-XIII and XII-A including addition, deletion and alteration, shall be intimated to the concerned

Licensing/ Registering Officer (Labour Officer) within seven days from such changes by the Contractor and shall be attested by the concerned Labour Officer.

- (3) The Contractor shall bear the cost of issue of Employment/Identity Cards to the contract labourers employed by the Contractor.
- (4) The Employment/Identity Cards shall be valid for a period of one year from the date of issue or expiry of the License of the Contractor or date of termination of employment of the contract labour by the contractor, whichever is earlier.
- (5) The Contractor shall submit new Employment/Identity Card in Form XIV, not less than 30 days before the date on which the Employment/Identity Card expires to area Labour Officer for attestation for further period of one year. The Labour Officer shall return the same duly attested within a period of seven days from the date of receipt of the same, to the contractor for further distribution to the contract labourers".

9. *Substitution of form XIII.*—For Form XIII appended to the said rules, the following shall be substituted, namely :—

FORM XIII

[See rule 75]

Register of Workmen

Sl. No.(Last 4 digits of Identity Card No.)

1. Name & Address of the Establishment

Telephone No.....

2. Registration/License No.*

3. Contractor Name

4. Contractor License No.....

5. Contractor address.....

Affix latest
photograph of
employee to be
attested by the
employer

6. Serial Number of the worker in the Register of Workers** :
7. Worker /Employee Name
8. Father's/Husband's Name.....
9. Date of Birth [DD/MM/YYYY]...../...../.....
10. Sex [M/F].
11. Local Residential address of the worker.
State.....
12. Permanent address of the worker
State.....
13. Name of next Kin of the worker Relationship.....
14. Date of Employment/...../.....
(In the current Job).....
15. Wage Rate per month
16. Nature of Job/ Designation.....CODE (#).....
17. Intended Time Limit in Present Employment...../...../.....

Signature /Thumb Impression of the Employee

Declaration.—It is declared that the information given in the Register of Workmen is correct as per record and factual position.

Place.....

Date

Signature of Employer/Contractor.

10. Insertion of form XIII-A.—After Form XIII appended to these rules, the following shall be inserted, namely :—

FORM XIII-A

[See rule 75]

Index of Identity Cards of Workman

1. Serial No. of Form XIII (same as last 4 digits of Identity Card No.).....
2. Name of the Workman.....
3. Father's name of the Workman.....
4. Date of Employment
5. Date of issue of Identity Card.....
6. Date of termination of employment alongwith reasons:.....
7. Remarks.....

Declaration.— It is declared that the information given in above Index are correct as per record and factual position.

Signature of the Employer/Contractor.

11. Substitution of Form XIV.—For Form XIV appended to these rules, the following shall be substituted, namely :—

FORM XIV

[See rule 76]

Employment/Identity Card

Name of Establishment.....

ID Card No.....

Name.....

Date of Birth.....

Father's/Husband's Name.....

Local Address.....

Photograph of
worker

Name of Next Kin.....
 Permanent Address.....
 Contractor Name.....
 Licence No. if any.....
 Address.....
 Nature of Employment.....
 Date of Employment.....
 Wage rate.....
 Valid upto.....

Issued by	Attested by
Employer/Contractor Signature.	Labour Officer/Inspector.
Date of Issue.....	Place.....

By order,

Sd/-
 Secretary.